

TRANSMITTAL SLIP		DATE
		21 Dec 87
TO: OS Registry		
ROOM NO.	BUILDING	
REMARKS:		
Pres. file with : DoD Industrial Security Manual		
FROM: Jm, Grouley OR		
ROOM NO.	BUILDING	EXTENSION

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INTELLIGENCE COMMUNITY STAFF

14 Dec 1987

[Redacted]

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Attached is Maynard's official request to D/DIS
requesting "all hands" notice re error in the DoD
ISM. This relating to SCI denial/revocation of
accesses. Earlier correspondence att for ref.

Cheers, [Redacted]

25X1

cc : C/SS/OL

C/SS/OD&E

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INFORMATION



POLICY

OFFICE OF THE UNDER SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-2000

OS REGISTRY

87-1734X

9 November 1987

MEMORANDUM FOR THE DIRECTOR, DEFENSE INVESTIGATIVE SERVICE

SUBJECT: Department of Defense Industrial Security Manual
for Safeguarding Classified Information (DoD 5220.22-M)
September 1987

Paragraph 75.e. of Subject manual reads as follows:


"Denial or revocation of authorization for access to SENSITIVE
COMPARTMENTED INFORMATION is not appealable."

That statement is in error. Director of Central Intelligence
Directive No. 1/14, "Minimum Personnel Security Standards and
Procedures Governing Eligibility for Access to Sensitive Compartmented
Information", 14 April 1986, Paragraph 13, states:

"Annex B prescribes common appeals procedures to be followed
when an individual's SCI access has been denied or revoked."

Annex B, "Appeals", a copy of which is attached, "...applies to
all United States Government civilian and military personnel, as well
as any other individuals, including contractors and employees of
contractors, who are considered for initial or continued access to
SCI."

It is requested that the next issue of the Industrial Security
Letter contain appropriate information to correct the error published
in Paragraph 75.e. of Subject manual.


Maynard C. Anderson
Director
Security Plans and Programs

Attachment

Section IX. SENSITIVE COMPARTMENTED INFORMATION AND COMSEC INFORMATION

75. SENSITIVE COMPARTMENTED INFORMATION.

a. The provisions of this manual apply to research, development, and production of SENSITIVE COMPARTMENTED INFORMATION. In addition, special security requirements supplementing this manual will be prescribed by the contracting department for SENSITIVE COMPARTMENTED INFORMATION contracts, except that, for SENSITIVE COMPARTMENTED INFORMATION contracts awarded by military department procurement activities for the NSA, the NSA will prescribe the special security requirements.

b. In the case of SENSITIVE COMPARTMENTED INFORMATION contracts awarded by military department procurement activities for the NSA, the NSA shall be responsible for exercising security controls over the contract.

c. In the case of SENSITIVE COMPARTMENTED INFORMATION contracts awarded by and for a military department or DoD Agency, an activity designated by the contracting military department or DoD Agency shall be responsible for exercising security controls over the contract.

d. Access to SENSITIVE COMPARTMENTED INFORMATION will be granted to contractor employees requiring access by the activity designated to exercise security controls over the contract as provided above.

e. Denial or revocation of authorization for access to SENSITIVE COMPARTMENTED INFORMATION is not appealable.

76. COMSEC Information. The contractor shall protect COMSEC information in accordance with the requirements of the DoD 5220.22-S-1 (CSISM).

ANNEX B

APPEALS

POLICY

This annex establishes common appeals procedures for the denial or revocation of access to Sensitive Compartmented Information (SCI) by entities of the Intelligence Community after adjudication pursuant to the provisions of DCID 1/14. This annex is promulgated pursuant to Executive Order 12333, Executive Order 12356 and Section 102 of the National Security Act of 1947. For the purpose of this annex, all references to DCID 1/14 include the basic document and all of its annexes. Any person who has been considered for initial or continued access to SCI pursuant to the provisions of DCID 1/14 shall, to the extent provided below, be afforded an opportunity to appeal the denial or revocation of such access. This annex supersedes any and all other practices and procedures for the appeal of the denial or revocation of SCI access. This annex shall not be construed to require the disclosure of classified information or information concerning intelligence sources and methods, nor shall it be construed to afford an opportunity to appeal prior to the actual denial or revocation of SCI access. In addition, the provisions of DCID 1/14, this annex, or any other document or provision of law shall not be construed to create a property interest of any kind in the access of any person to SCI. Further, since the denial or revocation of access to SCI cannot by the terms of DCID 1/14 render a person ineligible for access to other classified information solely for that reason, the denial or revocation of SCI access pursuant to the provisions of DCID 1/14 and this annex shall not be construed to create a liberty interest of any kind.

APPLICABILITY

This annex applies to all United States Government civilian and military personnel, as well as any other individuals, including contractors and employees of contractors, who are considered for initial or continued access to SCI. This annex does not apply to decisions regarding employment and shall not be construed to affect or impair Public Law 88-290 or the authority of any entity to effect applicant or personnel actions pursuant to Public Law 88-290, Public Law 86-36, or other applicable law.

SCI ACCESS DETERMINATION AUTHORITY

Adjudications for access to SCI shall be made in accordance with DCID 1/14 by a Determination Authority designated by the Senior Official of the Intelligence Community (SOIC) of each entity. Access to SCI shall be denied or revoked whenever it is determined that a person does not meet the security standards provided for in DCID 1/14.

PROCEDURES

1. Persons shall be:

- a. notified of the denial or revocation of SCI access;
- b. notified that they may request to be provided the reasons for such denial or revocation, and/or
- c. afforded an opportunity to appeal.

whenever the Determination Authority of any entity, in the exercise of his or her discretion, deems such action in any given case to be clearly consistent with the interests of the national security.

2. Any person who is given notification and afforded an opportunity to appeal pursuant to paragraph 1. above may, within 45 days of the date on which such person is notified of the reasons for denial or revocation of SCI access, submit a written appeal of that denial or revocation to the Determination Authority. The written material submitted for consideration may include any information which the person believes will assist the Determination Authority in reviewing the case.

3. After a further review of the case in the light of the written appeal, the person will be notified of the decision of the Determination Authority.

4. If the Determination Authority reaffirms a denial or revocation of access, the person may, within 30 days of the date on which such person is notified of the Determination Authority's reaffirmation, request a final review of the case. In that event, the SOIC, or his or her designee, shall personally review the case and exercise his or her discretion pursuant to the provisions of DCID 1/14, and shall inform the person of his or her decision, which shall be final and unreviewable.